

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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PATRICK KAKUDO, BRANDON
KAKUDO, a Minor, by and
through his Guardian ad Litem,
HOLLY MATSUDA, and HEIDI
KAKUDO,

CASE NO. CIV. S-04-0374 WBS KJM

Plaintiffs,

v.

ORDER APPROVING COMPROMISE OF
DISPUTED CLAIM OF MINOR

UNITED STATES OF AMERICA,

Defendant.

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Petitioner Holly Matsuda, the guardian ad litem for
seven year-old plaintiff Brandon Kakudo, moves this court to
approve settlement of Brandon's claims against the United States.
Because this Order covers all of the relevant sections of the
form issued by the Judicial Council of California for approval
the compromise of a disputed claim of a minor (MC-351), this
Order shall serve in lieu of that form.

These claims arose from an automobile accident caused

1 by a U.S. Postal Service truck. As a result of the collision,
2 "Brandon was shaken up . . . and complained of back pain. He had
3 one visit to a physician and has no major medical problems or
4 complaints stemming from the accident." (Pls.' Mot. for Approval
5 of Compromise 2.)

6 Pursuant to California Code of Civil Procedure § 372,
7 settlement of a minor's claim requires judicial approval. "[T]he
8 compromise of a minor's claim is not final or binding until it
9 has been approved by the trial court." Scruton v. Korean Air
10 Lines Co., 39 Cal. App. 4th 1596, 1603 (1995). Furthermore, if
11 any fees or expenses will be covered by a portion of the
12 settlement amount, the court order approving the settlement must
13 specify the amounts and the recipients. Cal. Prob. Code §§ 3600,
14 3601.

15 Here, Matsuda proposes to settle Brandon's claim
16 against the government for \$500. This amount will be paid in
17 full to his mother, plaintiff Heidi Kakudo, and held in trust for
18 Brandon. All costs of this litigation will be deducted from Mrs.
19 Kakudo's settlement proceeds. Likewise, medical expenses will
20 not reduce Brandon's settlement amount. The court finds these
21 proposed settlement terms acceptable and directs petitioner to
22 execute any and all documents reasonably necessary to execute the
23 agreement explained above.

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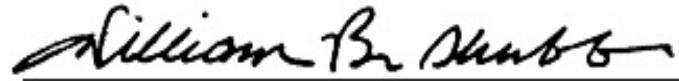
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1 IT IS THEREFORE ORDERED that Matsuda's petition for the
2 approval of minor Brandon Kakudo's settlement be, and the same
3 hereby is, GRANTED.

4 DATED: January 3, 2006

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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE

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